

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

MINUTES

AUGUST 11, 2011
(Adopted October 13, 2011)

COMMISSIONERS PRESENT: Scott Bush, Chris Lizza, Mary Pipersky, Dan Roberts, Steve Shipley.

STAFF PRESENT: Scott Burns, CDD director; Tony Dublino & Courtney Weiche, associate planners; Garrett Higerd, public works; Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary.

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Steve Shipley called the meeting to order at 10:05 a.m., and led the pledge of allegiance.
2. **PUBLIC COMMENT:** No items.
3. **MEETING MINUTES:** Review and adopt minutes of June 9, 2011 (no meeting was held in July).
MOTION: Adopt minutes of June 9, 2011, as submitted. (Bush/Pipersky. Ayes: 4. Abstain due to absence: Pipersky.)

4. **INFORMATIONAL:**

A. USE PERMIT 92-02/Inaja: Cabin site relocation. *Staff: Brent Calloway*

Brent Calloway noted the ranch has 1,240 acres, with 26 cabins at maximum buildout. Relocation of the cabin site would place it adjacent to a site the family already owned. Rather than relocating site 3, move site 1 from rocky bluff, closer to sage grouse area with more grading and road building. Inaja would support moving toward more-clustered areas in future.

Mark Wilbur of Neubauer-Jennison commented the owner wouldn't have to drive across the ranch to get to the site.

5. **PUBLIC HEARING:**

A. USE PERMIT 10-009/Curti. The Curti Distillery would process grain through fermentation and distillation, and produce up to 10,000 gallons per year of ethanol for human consumption and distribution. The approximately 237-acre property (APN 002-060-040) is located on Larson Lane in the Antelope Valley on land designated Agriculture (AG). In accordance with the California Environmental Quality Act, a Mitigated Negative Declaration is proposed for this project. *Staff: Tony Dublino*

Tony Dublino reviewed the first such project in Mono County. No further agency comments on mitigations were received. Antelope Valley FPD issued a will-serve letter. The distillery would be centrally located, isolated among 237 acres of agricultural activities. Grain would be grown on another site and brought in for processing. Permit does not address growing grain, but was analyzed for CEQA purposes. No new roads or infrastructure needed. Preserving agricultural land and rural value complied with Antelope Valley Area Plan. Due to building requirements, a new facility would be constructed instead of using existing buildings. Lahontan RWQCB made additional comments that changed mitigation measures. The Native American Heritage Commission had no concerns to address. The addendum added minor information and expanded list of conditions. Ethanol is considered hazardous due to flammability. Usually LDTAC reviews conditions and an applicant agrees. Everyone at LDTAC

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Steve Shipley

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris Lizza

seemed on same page, and confirmed all as OK. A use permit is needed before considering federal and state regulations: water quality, effluent. Parking standards: Defer to commission when use is not listed in General Plan. Staff recommended four parking spaces, similar to industrial warehouses.

Stacey Simon suggested an end date in Condition #4: "following construction but prior to operation."

Commissioner Shipley described commercial use on agricultural land as a unique application. Dublino noted that agriculture requires on-/off-site transportation. In the big picture, it's small scale. Craft distilleries are limited to 250,000 gallons/year. Impacts would be relatively, if not totally, insignificant. Shipley noted that applicants proposed production rate of 10,000 gallons/year, but nowhere near that for years to come. Limiting production limits environmental analysis of volume impacts.

Commissioner Lizza asked about comments from neighbors. Dublino sent two notices, and received no comments. Antelope Valley RPAC contemplated a support resolution, but steered away from opinions on projects. However, additional industry and diversification of agriculture were appreciated.

Commissioner Pipersky asked about 4,000-square foot parking area. Applicant indicated those are maximums, not initial. Simon suggested rephrasing square footage in case building size changes.

Pipersky asked about the distillery's product (see public comment).

OPEN PUBLIC COMMENT: Hal Curti, applicant, indicated whiskey initially, but aging requirements lead to storage requirements. All licenses are needed, so probably another year before it's operational. They can't make or develop product till go through processes. Have ideas to do with what they can grow. Water to grow pasture is not the best use. Curti watched growth in Reno, and noted that when people do things the same way, the product might not be what people want anymore. They might not make the money expected. Keep Antelope Valley unique, don't do same things done forever yet keep best for valley and environment. A distillery is environmentally friendly because the commodity reduces impact of feeding cattle. He wanted to give it a try. The operation takes 70 acres of grain, so it's not large. Shipping cows and hauling hay in/out would not change much.

Commissioner Bush asked if the distillery would grow grain for Seagram's whiskey. No. Big companies run 99% of product. Product needs to be local – the whole point is that "this is from here."

CLOSE PUBLIC COMMENT.

DISCUSSION: Commissioner Lizza saw a good model for entrepreneurship in the county, and supported the project.

Commissioner Bush wondered whether commission would be involved later on. Dublino cited more federal requirements, but envisioned mitigations associated with permitting.

Simon saw the only problem as a condition that conflicted with Mono's; otherwise, comply with Mono's plus additional state or federal.

Commissioner Pipersky cited no negative public comment, and wished the project luck.

MOTION: Approve Use Permit 10-009 and Mitigated Negative Declaration with added conditions 1-9 and Condition #4 amended to read, "Prior to issuance of the certificate of occupancy for the production facility, gravel parking shall be provided at a rate of one 9'x18' space per 1,000 square feet of gross floor area (as defined by General Plan Land Use Element Ch 06) within the remaining disturbed area, (Bush/Roberts. Ayes: 5-0.)

B. VARIANCE 11-001/Caltrans. Variance would permit temporary nighttime construction activities by Caltrans for the High Point Curve Realignment Project. Construction would take place from 7 p.m. to 7 a.m. for an estimated 14 days. Caltrans proposes realigning a 1.8-mile segment of US 395 from .83 mile north of the SR 89 junction at post mile 117.8 to .89 mile south of the CA/NV state line along Topaz Lake in Mono County. In accordance with CEQA guidelines, a Negative Declaration has been certified and determined that the above project will not have a significant effect on the environment. *Staff: Heather deBethizy*

Courtney Weiche examined the noise aspect of the project, reviewing project outreach and six transportation management options. Caltrans' Mitigated Negative Declaration showed no significant adverse effects. Noise impacts are short-term and undergo distance attenuation. Structures provide

insulation from sound. Weiche indicated back-up alarms and blasting would occur. Commissioner Bush wondered about opposition from 14 residences that won't get any sleep.

OPEN PUBLIC COMMENT: Cedrik Zemitis, Caltrans project manager, described adding 8' shoulders and safety improvements. The area is complicated, not a lot of space.

Garrett Higerd cited \$15 million from LTC and authority over allocation of state funding. Original source is State Transportation Improvement Projects, but local control could contribute to Caltrans projects. Zemitis termed it a 100% SHOPP project. Safety funding is highest priority after emergencies. Accident concentration in Walker Canyon is not the same as High Point.

Scott Burns noted the project was on the LTC list for years, joint with Kern/Inyo/Mono, where Mono doesn't have to spend its money on a top-priority project.

Zemitis noted that although this project is funded, building between the lake and cliffs is complicated, moving a lot of material. Improved sight distance around curves will result, and anchor mesh will catch rockfall. Taking down the hillside is a key step that can't be done in normal 20-minute closures – earthwork requires a longer time frame (14 days estimated, possibly less). Contractor will go from start to finish. Community didn't want a summer-long project, but changed time frame to 7 p.m. to 7 a.m. Without a variance, daytime construction would be required; commuters didn't want daytime closures. Caltrans can't accommodate every person with times chosen. Project is under final review.

Commissioner Lizza asked about night blasting. Blasting breaks up soil for machinery to push aside, but it's not dramatic.

Commissioner Pipersky asked about a detour. Walker to Gardnerville drive takes 30 minutes, but via Monitor Pass it's 1.5 hours.

Commissioner Bush expected a big impact on local residents.

Commissioner Shipley asked about accidents and fire considerations. Caltrans coordinated with CHP, Nevada Highway Patrol and Antelope Valley FPD. The project would make a major cut, not terraces. Rockfall should be minimal, only onto shoulder. Straightening the road and providing daylight should mean more sunlight, less icing.

Lizza asked about outreach to Nevada. Topaz Lodge's general manager attended RPAC meetings.

CLOSE PUBLIC COMMENT.

DISCUSSION: Bush saw the project as "out of our hands." Similar to flood closure in 1997, this project would shut down Walker because people would avoid the area, he predicted.

MOTION: Approve Variance 11-001 as submitted. (Pipersky/Lizza. Ayes: 5-0.)

6. WORKSHOP:

A. ANNUAL REPORT. Scott Burns reviewed progress of planning efforts contained in General Plan. Land Use Element is summary element with the broadest scope. Non-general fund money is used for updating the Circulation Element. The Regional Transportation Plan serves as the Circulation Element, integrating new planning efforts such as greenhouse gas impacts. Housing Element needs State approval. Mono Supervisors, who serve as the Housing Authority, suspended Housing Mitigation Ordinance two years on larger projects due to economy. A building permit fee waiver will expire in October, and \$100,000 in funds was set aside for smaller projects. Development Impact Fees up to \$6,000/unit recently were rescinded. Mono has pristine ambient noise levels, but need to update and tighten. Area Plans were reviewed.

– Commissioner Lizza exited at noon –

Parcel and tract maps were extended another two years by the State. Eastern Sierra Blueprint with Inyo and Kern counties would qualify Mono for grants.

Does the General Plan have an Energy Element? Burns indicated 13 pages of policies to adjust or expand. Guidance was developed 20 years ago. It could be a separate element or just policy.

Commissioner Shipley asked about potential National Scenic Byway restrictions. None. Continue to enforce ban on billboards. State Scenic Highway Corridor stops at communities. PUC allowed Verizon to keep its lines along 395, but in exchange asked for extension of broadband to Swall Meadows and Crowley Lake. Byway looks at more-interpretive features such as kiosks.

Shipley suggested working on cell tower realms with Design Guidelines, which have a different connotation – can ask but can't enforce. Note what could/could not be restricted or required, offering flexibility when considering projects. People don't want a tower outside a community where everyone has to look at it. Where does community cross byway? Cell tower applications will continue and issues need to be addressed, as applicants spend thousands of dollars.

Scott Burns noted most towers are set on federal land. Maybe a tall tower would not be needed due to topography. Should Design Guidelines become requirements? It's hard to get to "shall"; "should" is advisory. Shipley wanted to expedite the process, not make it arduous.

Burns noted it's taking forever for Crowley to get a cell tower, but not because of the County. When someone steps forward, the application goes through the process. Shipley wanted to shorten and streamline the process.

Burns thought a negative declaration would take about three months, but significant impact would send it back for an EIR. Sometimes CDFG or others become involved.

7. REPORTS:

A. DIRECTOR: No items.

B. PLANNING COMMISSIONER: No items.

8. ADJOURN at 12:22 p.m. to September 8.

Prepared by C.D. Ritter, commission secretary